

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
EASTERN DIVISION**

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|------------------------------------|---|-------------------------|
| REGINALD PARRISH, |) | |
| |) | |
| Petitioner, |) | |
| |) | |
| v. |) | Civil Action No. |
| |) | 1:09-CV-2353-VEH |
| LOUIS BOYD, Warden, and |) | |
| the ATTORNEY GENERAL OF THE |) | |
| STATE OF ALABAMA, |) | |
| |) | |
| Respondents. |) | |

MEMORANDUM OF OPINION

This is a case in which the petitioner, Reginald Parrish, an Alabama state prisoner, seeks a writ of habeas corpus pursuant to 28 U.S.C. § 2254. (Doc. 1). On November 23, 2009, the magistrate judge entered a report and recommendation concluding that the petition is due to be denied and the action dismissed with prejudice on the ground that the petition is untimely under the one-year statute of limitations in 28 U.S.C. § 2244(d)(1). (Doc. 3). The petitioner has filed an “opposition” to the magistrate’s judge’s report and recommendation (Doc. 4), which the court treats as an objection made pursuant to 28 U.S.C. § 636(b)(1)(C) and Rule 72(b)(2), FED. R. CIV. P.

The court has considered the entire file in this action together with the

magistrate judge's report and recommendation and the petitioner's objection thereto, and the court has reached an independent conclusion that the Magistrate Judge's Report and Recommendation is due to be adopted and approved. The court hereby adopts and approves the findings and recommendation of the magistrate judge as the findings and conclusions of the court. In accord with the recommendation, the petition for writ of habeas corpus is due to be denied as untimely filed and the action is due to be dismissed with prejudice. An appropriate order will be entered.

DONE this the 15th day of December, 2009.

A handwritten signature in black ink, appearing to read "V. Emerson Hopkins", written over a horizontal line.

VIRGINIA EMERSON HOPKINS
United States District Judge